Applicant: John H. Westerbeke Attorney's Docket No.: 21835-003001

Serial No.: 09/862,973

Filed : May 22, 2001

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REMARKS

Claims 1-11 and 13-25 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent 4,091,616 to Loweg, but original claim 12, which added that the insulating space between the manifold and jacket is filled with air and isolated from the flow of exhaust, has been determined to be allowable.

To promote allowance, and without acquiescing to the conclusion of obviousness as to any particular claim, Applicant has amended claim 1 to include the limitation of claim 12, and thus submits that claims 1-11 are now allowable. Claims 12 and 13 have been cancelled.

Applicants have also added the feature of claim 12 to independent claims 14 and 18, and submits that this distinguishes the Loweg reference for the same reason as in claim 1. Therefore, Applicant submits that claims 14-25 are also now allowable over the art of record.

Claims I and I4 have also been amended as to matters of form. For example, the last phrase of claim I4 is added so as to prevent interpretation of claim I4 as a method claim comprising only a single step, and not to distinguish any known prior art or otherwise respond to any rejection regarding patentability..

A notice of allowance is respectfully requested.

As indicated in the accompanying petition, the Applicant requests a three month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 21835-003001.

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Respectfully submitted,

Attorney's Docket No.: 21835-003001

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